

Please add the following new claim:

B2 Sub 44
43. (Newly Added) The method of claim 34 wherein said transmitting occurs a predetermined amount of time before or after said instantaneous content level.

REMARKS

Reconsideration and allowance of the present invention are presently requested. Claims 1-18 and 22-43 are currently pending in the application. Claims 19-21 have been canceled by a previous amendment. Claim 43 has been added by the foregoing amendment. Applicant notes with appreciation the indication that claim 36 contains allowable subject matter. Applicant also notes that claim 35 has been indicated as being allowable while also being rejected in view of the West patent. Applicant respectfully requests clarification of the status of claim 35.

On page 2 of the Office Action, claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,550,575 (West et al.) in view of U.S. Patent No. 5,172,111 (Olivo, Jr.) and U.S. Patent No. 5,382,983 (Kwoh et al.). On page 9 of the Office Action, claims 16-18, 22, 27-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over West. On page 19 of the Office Action, claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of U.S. Patent No. 5,524,195 (Clanton, III et al.). On page 21 of the Office Action, claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo, Jr. On page 22, claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over West and U.S. Patent No. 5,387,942 (Lemelson). On page 24 of the Office Action, claim 42 is rejected under 35 U.S.C. § 103(a) as being unpatentable over West, Lemelson and Olivo, Jr. These patents, taken alone or in the combinations suggested by the Examiner, do not teach or suggest Applicant's independent claims 1, 7, 16, 22, 23, 27, 30, 34, 35, 37 and 38.

As discussed in the previous response, exemplary embodiments of the present invention allow a user instantaneous access to and control over the information provided to television networks, home video and computers. A user can create local information labels which allow access to certain types of programming and information received by a

television. Furthermore, the same user can avoid access to certain types of information provided over the same medium which he/she deems inappropriate.

A user can formulate and edit a local information label which represents the user's profile of preferences for different categories of program content in several different ways. For example, the user can create a local information label by browsing the different categories and assigning individual ratings to each. In at least one embodiment, questions are asked and a basic profile which corresponds to the answers of the questions is picked. The profile can be edited by showing the user the transmitted information label of the program and having the local information label adjusted based upon whether the user wants to watch a program. Also, a historical database can be kept with respect to a particular user. When the user wants to use the television or computer, a menu of the favorite programs will be shown to the user. Such features are encompassed by Applicant's independent claims and are neither taught nor suggested by the prior art relied upon by the Examiner.

With respect to claims 1-15, the Office Action states that the claims are unpatentable over the West patent in view of the Olivo and Kwoh patents. The West patent is directed to a viewer discretion television program control system which is based upon suitability ratings for each program received. In West's system, data representative of a program rating is multiplexed to the program signal. This data is then compared to user input censoring parameters contained in a user's database. From this comparison, it is determined whether the current program on the television is to be censored. The West patent also includes a facet where a fixed amount of time is allocated to each viewer. Thus, a viewer can be restricted in the amount of television to be watched. Furthermore, the system of West allows for programming for each person in a household according to suitability ratings. As exemplified in West, a young child may not be allowed to watch programming that is rated PG-13, R or X.

With respect to independent claims 1 and 7, the Office Action acknowledges that the West patent does not disclose the ability to receive a program signal having a category label value which identifies a theme of a program on a frame-specific basis. At best, West discloses the ability to receive a program which has ratings to television program and general program themes.

2) Applicant respectfully submits that neither Olivo Jr. nor Kwoh, even when considered with the West patent in the manner suggested by the Examiner, overcome the deficiencies of West. Kwoh discloses parental control of television or VCR programming. More specifically, circuitry embedded in either a VCR or television is used to censor unwanted programming from viewers. The parental control circuitry includes a command controller and an input selection switch, by which programming can be either included or excluded. Kwoh discloses the ability to download G-codes for categories and subcategories of programs. The Kwoh patent fails to teach or suggest features of Applicant's claims 1 and 7 which recites among other features, frame-specific categories and incorporating thematic ratings in a frame specific system.

3) Olivo, Jr. discloses a stored media screening device which compares a program material signal source with a material content signal. This comparison occurs continuously throughout a program. If the comparison determines that programming should be censored, the "offensive" programming is removed and replaced with a message or alternative programming. Kwoh and West fail to teach or suggest identification of a thematic element in a frame-specific manner.

4) Furthermore, the Olivo and Kwoh patents fail to teach or suggest comparing information as recited in Applicant's claims. These patents do not address censoring according to a thematic element on a frame-by-frame basis allowing a more detailed censoring ability. As such, Applicant's claims 1 and 7 are not taught or suggested by the West, Olivo Jr. or Kwoh patents even when considered in combination.

5) With respect to claims 16-18, the Office Action states that West discloses all claimed subject matter except means for presenting questions to a user which are related to the category labels and means for receiving answers to the questions presented by the user. The Office Action appears to indicate that it would have been obvious to rephrase "ENTER YOUR PIN NUMBER" in the form of a question, and that entering censorship ratings would have been directly related to category labels and, thus it would have been obvious to present questions to a user.

6) To the contrary, the West patent does not teach or suggest presenting questions to a user which are related to category labels, receive the answers; assign a value to the category labels based upon the answers and form a local information label based upon the

values assigned to each of the category labels. In exemplary embodiments of the present invention (for example, see pages 48 and 49 of the specification), a user's answer to each question allows certain values to be assigned to the category labels during formulation of a local information label. If the request for a PIN number were changed to a question in the West system as suggested by the Office Action, a user would still only input a PIN number, and this would not lead to assigning a value to the category labels based upon the answers to the questions. The input of a PIN number would only provide access to the system. As such, the West patent does not teach or suggest Applicant's invention as recited in claim 16

The Office Action states that a PIN number also accesses a category label for the amount of censorship required for each individual. Even assuming this to be the case, there still would have been no teaching or suggestion that, based upon an answer to a question, values are assigned to the category labels as recited in Applicant's claims. For example, assuming for the sake of argument that West enables a person to input a PIN in response to a question, a user inputs a PIN code (e.g., 1-4-5-6) to gain access to the system. This PIN has no relation to assigning the value of a category label. In West, once a person has been granted access to the system, they must actively select or activate a rating system, enter exclusion codes or enter individual time allocation codes. As stated previously, the input of a PIN number even in response to a question would only provide access to the system. The input of a PIN number does not have anything to do with category labels. As such, the West patent fails to disclose or suggest the features of independent claim 16.

With respect to independent claim 22, the Office Action states that it would have been obvious to one of ordinary skill to store a plurality of local information labels with a plurality of user ages and activate one of the information labels based on an input age of a user because censorship of TV programs with respect to one's age would have been expected. The Office Action of November 25, 1997 states that West stresses the importance of censorship based upon the age of the household member. In column 5 of the West patent, it is merely pointed out that there may be a different censorship level depending upon the age of the person. There is, however, no teaching or suggestion for activating one of a plurality of the local information labels based upon an input age. West requires only a PIN to be input by a user. Each member of the household described in

8) West has an associated PIN number (see column 5, lines 5-10) which eliminates a need for age to be input. Thus, the West patent fails to disclose or suggest the features of claim 22.

With respect to independent claims 27 and 30, the Office Action states that it would have been obvious that if the user felt that the programming was unacceptable, the user could alter the category label. This implies that if the user does not want to watch the program, he/she must access and then manually change the category label to inhibit future access to the program. Again, this is the exact situation which Applicant is trying to avoid. In exemplary embodiments of the invention, if a user deems a program either acceptable or unacceptable, he/she can indicate so and the system will modify the information label to the proper settings, thus saving the user the time and aggravation of having to manually reprogram the category labels. Because the West patent discloses manually changing the information in the label, as opposed to the system performing the modification as featured
9) in independent claims 27 and 30, West actually teaches away from the previously claimed invention.

Furthermore, the Office Action of November 25, 1997 states that a parent is able to override the programming thus, automatically altering the local information label. Applicant submits that, as stated in column 7 of the West patent, one can "temporarily deactivate program control to allow viewing of any program..." Applicant submits that this is a general override and that, in fact, there is not any modification of the local information
10) label. As such, Applicant submits that independent claims 27 and 30 are allowable.

With respect to independent claim 35, Applicant submits that West does not disclose or suggest the creation of a combination of local information labels as recited in the claim. MPEP § 2143 requires that a teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not the applicant's disclosure. In the Office Action of November 25, 1997, the Office Action states that "it would have been obvious to create a combination information label for two users based on
11) the first and second information labels." Applicant submits that no such teaching, suggestion or motivation for such features can be found within the West patent. West specifically states that there is a PIN number and a resulting suitability rating for each member of the family disclosed in column 5, lines 5-10. There is no disclosure or suggestion in the West patent of creating a combination of a plurality of local information

labels because the West patent requires each person to have their own profile. As such, claim 35 is allowable.

Claims 23-26 are rejected as being unpatentable over West in view of Clanton. Applicant submits that even in combination, the West and Clanton patents do not teach or suggest Applicant's claimed subject matter. Applicant, on page 50 of the specification, discloses advantages of having a viewing history of particular users. West does not disclose, among other features, means for storing at least one category label value for programs presented to a user to compile a viewing history for the user. At best, West discloses storing a category label in order to discriminate what the user is able to watch based upon the input ratings of the user's profile. There is no compilation of a viewing history by West. Thus, West fails to teach or suggest Applicant's compiled user history.

Clanton fails to overcome the deficiencies of the West patent. Clanton discloses a graphical user interface for an interactive television. A video-on-demand graphic interface is described for selecting a rental movie to view. Included is a listing of the Top Ten video rentals of the week and a Critics Corner location along with a list of movies to be purchased. Applicant submits that Clanton fails to teach or suggest a user history. Clanton may show a weekly history of the top ten rentals but there is no teaching or suggestion of compiling a viewing history for a particular user, as recited in Applicant's claims. Furthermore, a category label value is not stored to compile this history. Clanton's viewing history is based upon the number of videos seen by paying customers in a time period. As such, there is no disclosure or suggestion to utilize a category label value for programs presented to a user in order to compile a history where the value identifies a content of the program signal. Claims 23-26 are therefore allowable.

With respect to independent claim 34, Olivo, Jr. does not determine timing transmission of a specific advertisement to occur within a predetermined period of time relative to an instantaneous content level of the program as is encompassed by claim 34. Olivo, Jr. discloses using alternate programming to **replace** an undesired portion of a program. Olivo, Jr. therefore discloses a stored media screening device which compares a program material signal source with a material content signal. The result of this comparison is continuously occurring throughout a program. If the comparison determines that programming should be censored, the "offensive" programming is removed and

replaced with a message or alternative programming. Olivo Jr. does not disclose or suggest transmitting an advertisement at a time based upon the instantaneous content of the program. Furthermore, Olivo, Jr. does not teach or suggest features of claims which depend from claim 34. For example, newly added claim 43 provides that an advertisement be transmitted at a predetermined amount of time before or after the instantaneous content level. This allows for advertisers to place their advertisements based upon content of the program. Thus, an advertiser can, for example, choose that an advertisement will not be shown near what is deemed to be offensive material. As discussed above, Olivo does not disclose this ability. As such, Applicants submit claims 34 and 43 are allowable.

Claims 38-41 are rejected as being unpatentable over West in view of Lemelson. Specifically, the West patent only discloses the ability to censor programs based upon general program ratings such as G, PG, R and X. However, the West patent does not disclose or suggest "prompting the user to input a value which is indicative of an amount of said content into the information access system for each of the category labels".

The Lemelson patent does not overcome the deficiencies of the West patent. Lemelson describes a system for the control of received video signals and for inhibiting access to violent video scenes, scenes with adult language and scenes with nudity. By pressing particular keys of keyboard 16, certain elements of a program's contents are excluded from being seen. A video signal is transmitted from a broadcast station with a three digit binary code. A reception code is entered through keyboard 16. A video signal with either violence, nudity or language cannot be seen if the video code transmitted from the broadcast signal matches the code stored as input via keyboard 16. As such, The Lemelson patent does not teach or suggest allowing differing amounts of content to be censored.

Thus, Applicant's independent claims 1, 7, 16, 22, 23, 27, 30, 34, 35, 37 and 38 are allowable. The remaining claims which depend therefrom, and which recite additional advantageous features of the presently claimed invention, are also allowable.


All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited.

Respectfully submitted,

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